

SELECTMEN'S MEETING MINUTES

October 12, 2010

Members Present: Lynda Walsh, Chairman
Larry Harrington, Vice Chairman
James J. DeVellis, Clerk
Lorraine Brue
Paul Mortenson

Others Present: Kevin Paicos, Town Manager
Robert Hockstra, AT&T Corp.
Jack Authelet, Historian
Bob Cutler, Town Clerk
Joan Gallivan, 63 Alden St. – Fox Memorial
Fire Chief Roger Hatfield
Kevin Weinfeld, Bill Grieder, Gordon Greene, Planning Board

The meeting was brought to order at 7:00 p.m. by Lynda Walsh, Chairman.

7:00 – Citizens' Input – Lynda Walsh introduced Kevin Paicos as the new Town Manager and welcomed him to his first meeting with the Board.

A brief discussion was held regarding the decision to change the Halloween night celebration to Saturday, Oct. 30th rather than Sunday, Oct 31st. Lynda Walsh read a prepared statement:

"I've received many calls in the last few weeks and I feel that I should address them publicly for all to understand. First the Halloween recommendation. After hearing a plea from a mother to support a change of trick or treating for this year to Saturday, the entire board felt it was a great idea because of the additional traffic in town for the Patriots 4 O'clock game on the 31st. In the interest of public safety, which we, as a board are to protect, we voted unanimously to support the idea. I had no idea that vote would be so controversial. I thank you all for your calls of concern. Many of the callers weren't upset because of the date, but the way it was handled and that others who may have been in displeasure didn't have a chance to vote their opinion. In hindsight, perhaps we should have asked for it to be an agenda item for this week, but I honestly felt it was the right choice and never imagined that folks would not agree to err on the side of caution. The calls/emails I've received have been about 50/50 pro/con. We, as aboard cannot cancel Halloween celebration and we certainly have no right to dictate your plans. However, you must realize that many holidays have been changed over the years for public convenience, this vote was taken for public safety. Personally, I'll be ready for trick or treaters on Saturday and Sunday night."

Other members of the Board had received similar calls, some in favor and others dissatisfied. Paul Mortenson said he felt very strongly that the right decision was made; he plans on keeping his lights out on Sunday. Jim DeVellis stressed the importance of getting the word out early so that everyone would be aware of the change. He said this is a public safety issue. Larry Harrington agreed that this is a safety issue. He pointed out that it is not a school night and children would be out later than usual. He hopes people will support this decision.

7:05 – Public Hearing – Underground Fiber Optic Cable, AT&T - Jim DeVellis read the Public Hearing Notice. The purpose of this hearing is to discuss the application of TCG New Jersey, Inc., 157 Green Street, Foxborough for permission to install (1) Fiber Optic Cable on an existing utility pole and underground conduit system for telecommunication services.

Robert Hockstra, AT&T Corp., gave a brief overview of the issues related to the request for permission to install a Fiber Optic Cable along the public ways of Green Street and Hampshire Street. He pointed out that work has all ready been completed in Mansfield to the Foxborough Town line.

A general discussion was held. Jim DeVellis pointed out that under the Right of Way By-Law the Board is supposed to receive written recommendations from the departments affected by this work. He said there is nothing that indicates anyone has looked at this and any decision has to be based on approval of all Town boards. Mr. Hockstra said they are ready to go to work on Monday if the contract goes to Highway Superintendent Bob Swanson. They would like to finish the work before the snow flies. Sandra Herrmann said a discussion had been held with Bob Swanson on why the Board got nothing in writing. He will bring forward the street openings for the Board. She pointed out that requests of this type had not been reviewed in the past. Kevin Paicos noted that the Board had not had the opportunity to implement the By-Law and under the circumstances suggested creating an exception in order to move forward contingent upon receiving the appropriate approvals and recommendations. Jim DeVellis expressed concern about setting a precedent. Further discussion was held regarding compliance with the Right of Way by-Law and the possibility of other entities saying they are exempt. Sandra noted a number of these types of issues were sent to Town Counsel and the response from Town Counsel was that applicants need to comply with the Right of Way By-Law. The applicant stated that they're not exempt from the Right of Way By-Law.

Motion by Paul Mortenson to close the Public Hearing. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Lorraine Brue to approve the application for permission to install (1) Fiber Optic Cable as submitted by TCG New Jersey, Inc., 157 Green Street,

Foxborough subject to positive recommendations from Building Inspector, Planning Board and Highway Department. Seconded by Larry Harrington.

Vote: 5-0-0

7:20 – Preservation of Historic Documents - Jack Authelet and Bob Cutler came before the Board to discuss the preservation of historic documents. Bob Cutler said he has been working with Jack Authelet on the historical records for the Town dating from 1898. They are looking for ways to raise funds for the repair and preservation of these Town records. He has made inquiries as to what other Towns are doing in this regard. Jack Authelet showed one historical record book that has been repaired to demonstrate what a repaired record looks like. He also showed a record book that is in need to repair. The contrast was quite evident. The cost for repair is approximately \$1,000 per book; there are a series of books that need repair. Jack Authelet pointed out that there is a lot of work to be done. He hopes to get a commitment of a sum of money to start and to then build on that with a small percentage of any betterment funds to be allocated to the preservation fund. He pointed out that it would be at no direct bearing on the taxpayers. These records are kept in a vault in Town Hall.

A brief discussion ensued. Bob Cutler suggested talking with Randy Scollins about setting up a separate account and getting funds to get things started. Kevin Paicos pointed out that there are all sorts of agreements that could be worked out with the developers of projects coming up in Town. He suggested meeting with Bob Cutler, Jack Authelet and Randy Scollins on Wednesday, Oct. 13th to discuss other ideas for funding. Jim DeVellis noted that it would make sense to see if something could be included in the permit process for the Library and/or Town Hall projects for three vaults for storage of these records. Bob Cutler pointed out that records of vital statistics have to remain in the Town Hall.

7:35 – Fox Memorial – Joan Gallivan – Joan Gallivan came before the Board to speak of the future placement of the Fox Memorial that has been at the Boyden Library since 2004. With the expansion of the Library, the memorial will be moved and Joan suggested finding a fitting place at the Town Hall. She pointed out that there are funds available to move and pay for any landscaping that may be necessary. A brief discussion was held. Jack Authelet took a moment to explain the reason why this memorial could not be put on the Town Common. He said the final decision regarding the Common was up to the BOS. He pointed out that the Common has a finite limit of available space and the memorials there are in honor of those who served our country and those who are now serving in far-away places. The Town has a moral obligation to erect memorials to those who serve. Kevin Paicos said he had read the Fox history, was quite impressed and he could not think of a more appropriate place than the Town Hall for the new home to the Fox Memorial.

Motion by Lorraine Brue that Joan Gallivan work with Kevin Paicos to initiate moving the Fox Memorial to the Town Hall location. Seconded by Paul Mortenson.

Jim DeVellis suggested having the contractor for the Library work move the memorial. Joan Gallivan said she would be working towards that end.

Vote: 5-0-0

7:55 – Emergency Planning – Fire Chief Hatfield – Chief Hatfield was present to discuss the document “*A resolution adopting the Town of Foxborough Hazard Mitigation Plan*”. He explained that this document has been in the works for years – 2004 to 2007 and has recently received approval from MEMA. The document identifies areas that need improvement; things that could be impacted by natural events such as floods, hurricanes, etc. He explained that in order to be eligible for FEMA funding in case of a natural disaster the Town must adopt a local hazard mitigation plan; a plan that has to be workable. He hopes the BOS will approve this document so he can start focusing on “getting things started”. The Chief pointed out that now is the time to go after Federal grant money. A brief discussion was held. Chief Hatfield was requested to update the Foxborough Hazard Mitigation Plan with Kevin Paicos, as many sections are outdated.

Motion by Paul Mortenson to adopt the “Hazard Mitigation Plan” in accordance with M.G.L. c.40 as presented by Fire Chief Roger Hatfield. Seconded by Lorraine Brue. **Vote: 5-0-0**

8:05 – Cross Street Reconstruction – Planning Board members, Kevin Weinfeld, Bill Greider and Gordon Greene were present for an update on Cross Street reconstruction. Kevin Weinfeld gave a brief background on the Payson Rd. & North Street construction work. The Planning Board has all ready agreed to fix Cross Street and are asking for permission for street opening in order to move ahead with the project. Bill Greider pointed out that discussions had been held regarding installation of traffic lights to allow public safety vehicles to move through the intersection. The Planning Board wants to be sure everyone is comfortable with the process. They are now waiting for an MOU on the scope of work. The Highway Dept. will do the culvert and the Stadium is responsible for grading and any reclamation work.

A brief discussion was held including comments about traffic flow on Cross Street, how best to notify residents to anticipate the construction and scheduling meetings to explain what work is being done and that three different contractors are doing the work and putting this information on the web site.

Motion by Larry Harrington to approve the street opening for Cross Street reconstruction. Seconded by Paul Mortenson. **Vote: 5-0-0**

Larry Harrington explained that the Audit Committee is looking at accounts in the budget where existing revenue could be used to help offset some of the debts. The original purpose for allotting the funds may no longer be needed; it would be helpful for the BOS and the Advisory Committee to be aware of such funds. Larry stressed the fact that these are not hidden funds but rather funds set aside for a single purpose that may no longer exist and could be used for a different purpose. Kevin Paicos pointed out that if the Audit Committee can do something quickly it would reduce the amount of work for Randy and himself.

ACTION:

Minutes: The Minutes for the Board of selectmen's Meeting of September 28, 2010 were reviewed.

Motion by Jim kDeVellis to approve the Minutes of September 28, 2010 as amended. Seconded by Larry Harrington. **Vote: 5-0-0**

Southeastern Regional School District Invitation – Received from Luis G. Lopes, Superintendent, an invitation to attend a meeting to select a representative to the collective bargaining process with the teachers' federation scheduled for Tuesday, October 12, 2010. No action taken.

Constable Re-appointment – Paul Morrison – Received a request from Paul V. Morrison, 77 South Grove Street a request for re-appointment as Constable for the Town of Foxborough. A brief discussion was held.

Motion by Paul Mortenson to approve the re-appointment of Paul V. Morrison for a three-year term as Constable for the Town of Foxborough, subject to a CORI evaluation and with a term to expire October 23, 2013. Seconded by Jim DeVellis. **Vote: 5-0-0**

Appointments – Board of Recreation – Received from Debbie Giardino, Recreation Director, a request for two appointments to the Board of Recreation – Alison Eskenas, 17 Carmine Ave. and James Green, 96 Main Street.

Motion by Larry Harrington to appoint Alison Eskenas, 17 Carmine Avenue, to the Board of Recreation as an Associate Member, term expiring May 01, 2011. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Larry Harrington to appoint James Green, 96 Main Street, to the Board of Recreation as an Associate Member, term expiring May 01, 2011. Seconded by Paul Mortenson. **Vote: 5-0-0**

Appointments – Foxborough Cultural Council – Received from Mary E. Buckland a request for 5 appointments and 1 re-appointment.

Motion by Larry Harrington to re-appoint to the Foxborough Cultural Council Mary E. Buckland for a one year term to expire October 25, 2011. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Paul Mortenson to approve appointments for three-year terms for J. Neil Forster, 209 South Street, Mark Small, 111 South Street, Carolyn Godin, 151 South Street, Paula Bishop, 15 Wilkenson Way and Rosemary Smith, 85 Cocasset Street as requested. Seconded by Jim DeVellis. **Vote: 5-0-0**

Donation – Animal Control – Received from Felines of Foxborough a gift of \$600.00 to be deposited in the Animal Control Gift Fund – yard sale proceeds.

Motion by Larry Harrington to accept with gratitude the gift of \$600.00 from Felines of Foxborough to be deposited in the Animal Control Gift Fund. Seconded by Paul Mortenson. **Vote: 5-0-0**

Pedi-Cab Proposal – Vincent Monaco was present to outline his proposal for Pedi-Cab service to provide rides from Gillette Stadium events on Rt. 1. Received from Police Chief O'Leary a memo, dated Oct. 7, 2010, stating his concerns about the proposed operation of Pedi-Cabs on Rt. 1. A discussion was held. Board Members and Town Manager, Kevin Paicos, expressed their concerns about the safety of Pedi-Cabs on Route 1, before and after events at Gillette Stadium. It was pointed out that State Police have jurisdiction over traffic on Route 1 and that more information is needed for a Hackie License. Kevin Paicos said this would have to be carefully vetted as it could be especially complicated and dangerous.

“Keno To Go” – Express Mini Mart – Received notice from the Mass State Lottery Commission regarding a request for “Keno To Go” by Express Mini Mart, 126 Main Street. No action taken.

State Election Warrant – Motion by Larry Harrington to approve the Warrant for State Election for November 2, 2010 as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

NEW/OLD BUSINESS:

Larry Harrington noted there had been a lot of reaction resulting from the meeting last week regarding the tax increase. He felt things were made quite clear on why the Board did not recommend a split tax rate. He read from a prepared statement:

“First, it was the voters at Town Meeting who approved the increased spending levels which resulted in the higher taxes. While we have over 10,000

registered voters, only 3% attend the typical Spring Town Meeting to approve the budget, on behalf of the entire town, and as I said that is what drives the tax rate in fact:

- 2/3 of the tax increase was the result of last spring's Town Meeting. The Selectmen had initiated a debate before Town Meeting on the merits of level funding (which would NOT raise budgets) versus level services (which raised budgets). People spoke for and against level services and the potential increase in taxes at a public hearing and at Town Meeting, with Town Meeting overwhelmingly supporting level service and higher taxes.
- 1/3 of the tax increase was the result of the High School project which was again overwhelmingly approved at Town Meeting and in a Prop 2-1/2 override for a debt exemption. This should not be a surprise for those who voted for the High School project as they knew the tax impact. The same holds true for those who supported the Library Project this year and who will see the further tax increases for that project.

We have strong commercial base in Foxborough which pays 25% of the Town's expenses. These commercial businesses don't have the opportunity to vote at Town Meeting or to vote for/against a debt exclusion on a ballot. Nor do they benefit directly from the High School or Library projects. However, the taxes they pay significantly reduce the residential tax burden.

I would also remind the public that some of us supported an effort to raise the meals tax with the proviso that the full amount raised by used to **reduce** property taxes as an offset to reduced state aid. I didn't think the increase would negatively impact restaurants or those dining out but the revenue could have reduced the tax increase by a third. But again, democracy spoke at Town Meeting and Town Meeting voted against the meals tax.

I voted for the single tax rate for two reasons:

- First and foremost, I don't think it is fair for homeowners to vote to spend money, but then expect commercial businesses, who did not have the right to vote for the spending or directly benefit from the spending, to pay a disproportionate amount for that spending.
- Second, we need commercial businesses to thrive, to create and/or maintain jobs, and to continue to be able to pay their fair share, which is now 25% of the tax burden. I didn't think a split rate was fair or appropriate now and it would have hurt small businesses.

On the Town's web site is the entire presentation from last week which shows the real estate values for the last 10 years, how much the largest taxpayers pay, how our rates compare with surrounding Towns, etc. I encourage those who want more information to review that data."

Upcoming Meetings - Paul Mortenson asked for an Executive Session with Water & Sewer at the next scheduled meeting. Jim DeVellis suggested having a representative from the MBTA to present the merits of the proposal for a station at the Stadium. Kevin Paicos to meet with Town Manager of Walpole. Larry Harrington suggested having Barney Frank as well as State Representative for a public meeting to discuss available funds and development on Route 1. Kevin Paicos suggested having as much public discussion as possible at the appropriate time. These issues are going to be controversial and the public would want to weigh in. He agreed that a meeting with a representative from the MBTA would be appropriate.

Motion to adjourn by Larry Harrington. Seconded by Paul Mortenson.

Vote: 5-0-0

Meeting adjourned at 9:15 p.m.

James J. DeVellis, Clerk